

# **REMARKS**

Claims 46-49, 67, 69-73, 94, 99-102, 105 and 106 are pending. By this Amendment, claims 50, 51, 95-98, 103 and 104 are canceled without prejudice or disclaimer; claims 46, 67 and 70 and 72 are amended; and claims 105 and 106 are added. Reconsideration and allowance of the present application based on the above amendments and following remarks are respectfully requested.

Applicants appreciate the indication that claim 96 defines patentable subject matter. By this Amendment, claim 46 has been amended to incorporate the subject matter of claim 96, and intervening claim 95. Accordingly, it is respectfully submitted that claim 46, and dependent claims 47-49, 94, 101, and 102 are allowable.

Claims 50, 51, 97, 98, 103 and 104 have been canceled without prejudice or disclaimer.

As claims 46-49, 94, 101 and 102 have been placed in condition for allowance and claims 50, 51, 97, 98, 103 and 104 have been canceled, it is respectfully submitted that the rejection under 35 U.S.C. § 103(a) over Westerlage et al. (U.S. Patent 5,694,322) in view of Hassett (U.S. Patent 6,653,946) is moot.

Claim 72 has also been amended to incorporate the subject matter of claims 95 and 96. It is respectfully submitted that claim 72, and dependent claim 73, are allowable and that the rejection under 35 U.S.C. § 103(a) over Westerlage et al. in view of Widl (U.S. Patent 5,721,678) is moot.

New claim 105 recites, *inter alia*, that the area where a charge is applied is divided into plural sub-areas, which is not disclosed or suggested by the three applied prior art references, alone or in combination.

Claim 106 recites additional features of the invention and is allowable for the same reasons discussed above with respect to claim 105 and for the additional features recited therein.

Claim 71 was rejected under 35 U.S.C. § 112, 2<sup>nd</sup> paragraph. The rejection is respectfully traversed.

Claim 70, from which claim 71 depends, has been amended to recite that the ground station comprises charge checking means that checks, based on the transmitted charge history of the charge information, as to whether there are any charges or any lack of charges that do not occur in normal charge processing, and writes usage error information on a movement history table at the ground station when there are any charges or any lack of charges. According to claim 71, the processing means is further provided with altering means for

altering the amount of the charge settlement based on a duration of time until an arrival in the processing area.

In the in-vehicle device, even if the charge history is held or accumulated, it is not possible to collect the actual toll if the charge processing is not performed. Therefore, the altering means alters the amount of the charge settlement based on a time until arrival in the processing area. For example, for a set time, the toll collection of the charge amount corresponds to the charge history. However, when the set time is exceeded and as the time becomes longer, it is possible to increase the charge amount, as is the case with arrears payments, for example. Accordingly, it is possible to eliminate any loss that might be incurred until the actual toll collection depending on the length of time involved.

Reconsideration and withdrawal of the rejection of claim 71 under 35 U.S.C. § 112, 2<sup>nd</sup> paragraph are respectfully requested.

Claims 67, 69-71, 99 and 100 were rejected under 35 U.S.C. § 103(a) over Westerlage et al. in view of Hassett and further in view of Widl. The rejection is respectfully traversed.

Claims 67 and 70 recite, *inter alia*, the ground station comprises charge checking means that checks, based on the transmitted charge history of the charge information, as to whether there are any charges or any lack of charges that do not occur in normal charge processing, and writes usage error information on a movement history table at the ground station when there are any charges or any lack of charges.

It is respectfully submitted that each of Westerlage et al., Hassett and Widl fail to disclose or suggest, at least, this feature of claims 67 and 70. Accordingly, the combination of the three references does not disclose or suggest all the claim limitations and fails to present a *prima facie* case of obviousness.

Claims 69, 71, 99 and 100 recite additional features of the invention and are allowable for the same reasons discussed above with respect to claims 67 and 70 and for the additional features recited therein.

Reconsideration and withdrawal of the rejection under 35 U.S.C. § 103(a) over Westerlage et al. in view of Hassett and Widl are respectfully requested.

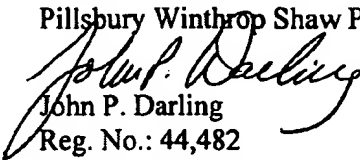
With respect to the taking of Official Notice, as claim 51 has been canceled, it is respectfully submitted that the issue is moot.

In view of the above amendments and remarks, Applicants respectfully submit that all of the claims are allowable and that the entire application is in condition for allowance.

Prompt notice to that effect is respectfully requested.

Respectfully submitted,

Pillsbury Winthrop Shaw Pittman LLP



John P. Darling

Reg. No.: 44,482

Tel. No.: (703) 770-7745

Fax No.: (703) 770-7901

JPD/bhs

Customer Number [00909]